

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JEFFREY A. HENDERSON,

Plaintiff,

v.

Case No. 13-CV-10422

Honorable Denise Page Hood

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER ACCEPTING REPORT AND RECOMMENDATION [#15]
and
DISMISSING ACTION

This matter is before the Court on Magistrate Judge Mark Randon's Report and Recommendation. [**Docket No. 15, filed November 14, 2013**] Plaintiff Jeffrey Henderson filed Objections to the Report and Recommendation on November 26, 2013. [**Docket No. 16**] A response to the Objections was not filed.

Judicial review of the Commissioner's decision is limited in scope to determining whether the Commissioner employed the proper legal criteria in reaching his conclusion. *Garner v. Heckler*, 745 F.2d 383 (6th Cir. 1984). The credibility findings of an administrative law judge ("ALJ") must not be discarded lightly and should be accorded great deference. *Hardaway v. Secretary of Health and Human*

Services, 823 F.2d 922, 928 (6th Cir. 1987). A district court's review of an ALJ's decision is not a *de novo* review. The district court may not resolve conflicts in the evidence nor decide questions of credibility. *Garner*, 745 F.2d at 397. The decision of the Commissioner must be upheld if supported by substantial evidence, even if the record might support a contrary decision or if the district court arrives at a different conclusion. *Smith v. Secretary of HHS*, 893 F.2d 106, 108 (6th Cir. 1984); *Mullen v. Bowen*, 800 F.2d 535, 545 (6th Cir. 1986).

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusion for the proper reasons. The Magistrate Judge reviewed the ALJ's findings and the record thoroughly in reaching his conclusion and, for the reasons stated in the Report and Recommendation, the Court is persuaded that substantial evidence supports the ALJ's decision.

The Court also agrees with the Magistrate Judge that the ALJ's findings as to Plaintiff's credibility is supported by substantial evidence. "An ALJ is not required to discuss all the evidence submitted, and an ALJ's failure to cite specific evidence does not indicate that it was not considered." *Simons v. Barnhart*, 114 F. App'x 727, 733 (6th Cir. 2004) (quoting *Craig v. Apfel*, 212 F.3d 433, 436 (8th Cir. 2000)). The Magistrate Judge, on the other hand, has set forth specific examples of how the ALJ's findings were supported by the record. The Court is satisfied that the Magistrate

Judge's decision that the ALJ's failure to explicitly discuss Dr. Shah's note regarding Plaintiff's tiredness and fatigue and Dr. Schreiber's test results was "harmless error," is also supportable. Plaintiff's objections regarding the severe impairment and credibility arguments are based on the same arguments raised in his summary judgment motion brief and fully addressed in the Report and Recommendation this Court adopts.

Accordingly,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge Mark A. Randon [**Doc. No. 15, filed November 14, 2013**] is **ACCEPTED** and **ADOPTED** as this Court's findings and conclusions of law.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment [**Doc. No. 10, filed June 21, 2013**] is **DENIED**.

IT IS FURTHER ORDERED that Defendant's Motions for Summary Judgment [**Doc. No. 14, filed November 1, 2013**] is **GRANTED**.

IT IS FURTHER ORDERED that the Commissioner's decision is **AFFIRMED** and this action is **DISMISSED** with prejudice.

IT IS SO ORDERED.

S/Denise Page Hood
United States District Judge

Dated: March 28, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 28, 2014, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry

Case Manager